

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AMOS JONES,  
Plaintiff,  
v.  
S. MORA, et al.,  
Defendants.

Case No. [20-cv-04093-TSH](#)  
**FINAL PRETRIAL ORDER**

On February 2, 2023, the Court held a final pretrial conference in this matter. This Order summarizes the Court's rulings and information about how the trial will be conducted.

1. The trial will proceed in Courtroom D as follows: The parties will appear at 9:00 a.m. on Monday, February 28, 2023, for jury selection. Following jury selection, the trial will begin. Each day thereafter, trial will begin at 9:30 a.m. with a 15-minute break at 11:00 a.m., a 45-minute lunch at 12:30 p.m., and a 15-minute afternoon break at 2:30 p.m. Trial will conclude at 3:30 p.m. each day.
2. Each side has 9 hours to present their case in chief. The 9 hours includes opening and closing statements, as well as any rebuttal. The 9 hours also includes the punitive damages phase. In the liability phase, opening statements must be limited to 30 minutes per side and closing statements must be limited to 45 minutes per side, including rebuttal. In the punitive damages phase, closing statements must be limited to 15 minutes per side, including rebuttal.
3. The Court will follow the normal rule regarding objections to evidence and other legal points which the Court must decide: No lengthy arguments in front of the jury. No sidebars. Any such argument should occur before 9:30 a.m. or after 3:30 p.m. unless it is

unavoidable. Objections should consist of a citation to the Federal Rule(s) of Evidence at issue and the applicable generic description (e.g. “relevance.”).

4. The parties must rise when making an objection.
5. The parties must seek leave to approach witnesses.
6. At the close of each trial day, counsel must disclose to the opposing party the witnesses to be called the following two days and the exhibit numbers of the documents that counsel plans to use on direct (other than for impeachment). Within 24 hours of such disclosure, counsel shall exchange exhibit numbers to be used in cross of the witnesses (other than for impeachment). Parties will not be allowed to call witnesses or use documents other than those that have been previously disclosed in the Pretrial Conference Statement and in the daily witness lists.
7. The Court will be empaneling an eight-person jury with no alternates. The Court will select 8 people for voir dire and will question them for potential hardships. Thereafter, the parties will do their voir dire and may make for-cause challenges and peremptory challenges at the same time. Each side shall have 3 peremptory challenges.
8. Preliminary jury instructions will be read before opening statements. The Court will not provide a copy of the instructions to the jury at the beginning of the case. The Court will not instruct the jury on substantive law applicable to the claims until the close of evidence when final instructions are given.
9. At the hearing Plaintiff’s counsel stated that they would like witness Jason Smith to appear in civilian clothes during the trial. The Court orders that he may do so. Plaintiff’s counsel will be responsible for bringing Smith’s civilian clothes to the United States Marshals in the morning before he testifies.

**IT IS SO ORDERED.**

Dated: February 2, 2023

  
THOMAS S. HIXSON  
United States Magistrate Judge